



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

July 21, 2014

Christine H. Boucher
Assistant General Counsel
Delta Air Lines, Inc.
Department 981
P.O. Box 20574
Atlanta, GA 30320-2574

Dear Ms. Boucher:

I write in response to your June 26, 2014 letter on behalf of Delta Air Lines, Inc. ("Delta") regarding the Yosemite Slough Superfund Site ("Site"). EPA does not agree that its claim against Delta was discharged in bankruptcy. As stated in your letter, Delta filed for bankruptcy in September 2005, and Delta's Plan of Reorganization became effective in April 2007. EPA's claim did not arise until after these events. *See, e.g., In re Jensen*, 995 F.3d 925, 930 (9th Cir. 1993) (holding that an environmental claim arises and can be discharged only when the release of hazardous substances could have been "fairly contemplated by the parties"). The Regional Water Quality Control Board requested EPA's assistance with Yosemite Slough in 2007. EPA then undertook an investigation of potentially responsible parties and issued a General Notice Letter to Delta on February 21, 2008. EPA therefore encourages Delta to participate in the PRPs' mediation process and in future settlement discussions with EPA.

Regards,

A handwritten signature in black ink, which appears to read "Rachel Z", is written over a horizontal line.

Rachel Tennis